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| 10/026,059 | 12/18/2001 | John C. Eidson | 10010255 | 8596 |

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AGILENT TECHNOLOGIES, INC.
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EXAMINER

PHAN, THANH S

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| ART UNIT | PAPER NUMBER |
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/026,059
Filing Date: December 18, 2001
Appellant(s): EIDSON ET AL.

John C. Eidson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/17/06 appealing from the Office action mailed 07/13/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

Claims 1, 3, 4, 6, 12-15, 17, 18 and 20 are on appeal.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-----------------|-------------|---------|
| US 4,008,564 | Luce et al. | 02/1977 |
| US 2002/0185720 | Khan et al. | 12/2002 |
| US 2002/0186618 | Kirkpatrick | 12/2002 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 6, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luce et al. [US 4,008,564].

Regarding claims 1, 3, 4, 12, 13, Luce et al. disclose an electronic watch system [figures 1-5] comprising electronic component [34] having an enclosure/can [40] that protects the electronic component; structure that surrounds the enclosure and that increase a thermal mass of the electronic component [potting/ceramic material; column 4, lines 53-56].

Luce et al. disclose the claimed invention except for saying that the structure reduce thermal drift/increase thermal mass.

It would have been obvious for the structure disclosed by Luce et al. to reduce thermal drift/increase thermal mass since a larger area for heat dissipation are provided. Further, reduced thermal drift will occur whenever thermal mass increased.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luce et al. in view of Khan et al. [US 2002/0185720].

Regarding claims 5 and 6, Luce et al. disclose the claimed invention except for the structure being encased within an insulative material.

Khan et al. disclose a circuit element [102] including a heat spreader [502] incased in an epoxy material [116].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the encasing design of Khan et al. with Luce et al. for the purpose of providing mechanical and environmental protection.

Claims 14, 15, 17,18 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Luce et al., as disclosed in preceding claims, in view of Kirkpatrick [US 2002/0186618].

Regarding claims 14, 17, 18 and 20, Luce et al.; alone and/or modified as disclosed above; disclosed the instant claimed invention except for the clock circuit including means for communication via a network and means for synchronizing a local time value in a clock circuit in response to a set of messages transferred via by means of the network.

Kirkpatrick discloses a method of synchronizing a plurality of clock nodes [102, 104 and 106] via a network [figure 1].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the net work synchronizing design of Kirkpatrick with the clock of Luce et al.; alone and/or modified; for the purpose of providing accurate time to each node.

Regarding claim 15, Luce et al., as modified, disclose the use of a crystal component [32].

(10) Response to Argument

Applicant argues:

(I) Applicant argues on page 5, para 1, and on pages 6-7, section B, that claims 1, 3, 4, 6 and 12-13 are not obvious in view of Luce because Luce does not teach a structure which increases the thermal mass. Appellant further argues that the claims are not obvious over Luce and that Luce is not analogous art. The examiner disagrees and maintains that Luce discloses such a structure; namely Luce discloses an electronic system comprising electronic component having a enclosure/can that protects the electronic component. In this case one of ordinary skill would have recognized that the encapsulation design of Luce, column 4, lines 53-58, provides a greater amount of matter which would provide a larger thermal mass. Any one of ordinary skill would have understood this. Appellant has merely claimed, see claim 1, that the thermal mass of the electronic component assembly is increased. The increase of the mass of the electronic component assembly of Luce by addition of the encapsulant is clearly understood from the Luce reference. In other words, appellant merely claims increased mass to some unspecified degree, and one of ordinary skill can see that Luce teaches some increase by addition of the encapsulant.

(II) Applicant argues on page 5, section A, In response to applicant's argument that the thermal mass of Luce would not provide greater heat dissipation. Applicant acknowledges, see arguments, page 5, that the greater mass does reduce thermal drift by increasing the area, as shown by Luce, applicant states, however, that there is no showing that the thermal dissipation of heat provided by the potting compound is greater than the atmosphere. The heat absorbtion capability of a typical potting

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compound is greater than that of the atmosphere. Therefore the potting compound of Luce would provide a greater heat dissipation property than that of the atmosphere.

Applicant further argues that Luce does not even teach the liquid crystal cell generating heat requiring dissipation. Luce discloses the potting compound being used to expand the thermal mass of the component assembly including chip component 34 and the LCD display. Applicant claims that the electronic component has an enclosure that protects the electronic component with a structure that surrounds the enclosure.

Applicant has not claimed the thermal mass of the component being increased but rather the structure surrounding and including the component and the housing being increased, see applicant's claim 1. Therefore, the structure as claimed is shown by Luce.

(III) Applicant argues on page 8, In response to applicant's argument that Luce is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Applicant claims a circuit including an electronic component having an enclosure to protect the component.

(IV) Applicant argues on pages 9 and 10 that neither Khan or Kirkpatrick disclose the limitations of claims 1 and 15. Khan and/or Kirkpatrick are not relied upon to disclose the claimed features of claims 1 and 15.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

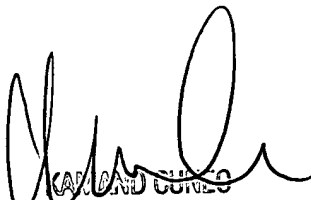
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04/28/06

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